

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYREFE KELLY,

Plaintiff,

-against-

WARDEN CARTER, et al.,

Defendants.

1:21-cv-8992 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Defendants' Motion to Dismiss at ECF Nos. 15, 17, 18. Defendants argue that (1) Plaintiff has failed to exhaust his administrative remedies and (2) Plaintiff fails to state a cognizable constitutional violation because the temporary conditions alleged in his complaint do not constitute an objectively serious deprivation to support his conditions-of-confinement claim. (ECF No. 17.) To date, the Court has not received any opposition to the motion from Plaintiff. Accordingly, the Court will *sua sponte* extend Plaintiff's deadline to respond to the motion to **July 21, 2023**. Plaintiff is advised that failure to respond to the motion will result in the Court deciding the motion based on Defendants' submission alone.

The Court also notes that a previous order was returned undeliverable on September 28, 2022. According to New York State Incarcerated Lookup, Plaintiff's current address is:

Franklin Correctional Facility
62 Bare Hill Road
P.O. Box 10
Malone, NY 12953-0010
DIN: 22R1561

The Clerk of Court is respectfully directed to mail a copy of the Court's Order to the above-specified address. Defendants are also directed to serve a copy of this order and another copy of the relevant motion papers on Plaintiff by **June 8, 2023** and file proof of service of same.

SO ORDERED.

Dated: June 1, 2023
New York, New York



ANDREW L. CARTER, JR.
United States District Judge